

Pro Se 5 (Rev. 12/16) Complaint for a Civil Case Alleging Negligence

US DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

UNITED STATES DISTRICT COURT

NOV 27 2017

for the

Western District of Arkansas

DOUGLAS F. YOUNG, Clerk
By

Deputy Clerk

Fayetteville Division

Krystal Megan Delima

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Walmart Corporation

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

17-5244
(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE

(28 U.S.C. § 1332; Diversity of Citizenship)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Krystal Megan Delima
Street Address	54985 County Road 586
City and County	Kansas, Delaware
State and Zip Code	Oklahoma 74347
Telephone Number	(479)238-3566
E-mail Address	

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Walmart Corporation
Job or Title <i>(if known)</i>	
Street Address	702 SW 8th St.
City and County	Bentonville, Benton
State and Zip Code	Arkansas 72716
Telephone Number	(479) 273-4000
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

A. The Plaintiff(s)

1. If the plaintiff is an individual

The plaintiff, (name) Krystal Megan Delima, is a citizen of the
State of (name) Oklahoma.

2. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

2. If the defendant is a corporation

The defendant, (name) Walmart Corporation, is incorporated under
the laws of the State of (name) Arkansas, and has its
principal place of business in the State of (name) Arkansas.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

C. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The Defendant, Walmart had owed the Plaintiff, Krystal Megan Delima, a total amount of, \$2,053, 388.00 (Two Million Fifty Three Thousand Three Hundred Eighty Eight Dollars), for both Compensatory and Punitive Damages, excluding court fees and interest.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On *(date)* 11/27/2014, at *(place)* 2901 Highway 412 Siloam Springs AR 72761,

the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because *(describe the acts or failures to act and why they were negligent)*

1-A Defendant, Walmart Super Center, conducted Pre-Black Friday sales-events. Plaintiff, Krystal Megan

Delima, and plaintiff's daughter, Zenith Thompson, both of legal age, and both residents of Delaware,

Oklahoma, attended these two events: at 6:00 pm and at 8:00 pm. Plaintiff and daughter arrived at store

approximately 5:00 p.m., and guided by Walmart staff to line up for the IPAD Tablets, it was a "first come- first

serve basis". Plaintiff's daughter, Zenith Thompson, lined-up for other product. IPAD Tablet location was at the

Electronic Department and away from the Main Entrance, and there was enough space to move. Although the

lines were very long, but Walmart staffs took the time to manage the lines. Although, it was crowded, the

functions were in order and plaintiff, got the IPAD and plaintiff's daughter's got her merchandises at

approximately 6:20pm.

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by *(explain)*

2-A.) At approximately 6:30pm., plaintiff arrived at Samsung Galaxy Tablet location. Plaintiff asked Defendant, Walmart staff where to line-up. Walmart staff instructed plaintiff to stand behind crowd line and wait for 8:00 pm when it will be open for sale, and plaintiff was lucky to be one of early customers. Samsung Galaxy Tablets (were limited in numbers), Unlimited Talk and Text, books, and others were displayed on racks and formed a barricade on side of main aisles, close to main entrance. Plaintiff, followed defendant, staff's instructions and stood behind crowd line and waited there until 8:00pm, as instructed.

2-B.) At approximately 7:15pm, defendant, female manager came and saw the crowd growing numbers, all the way to back. Defendant, female manager announced to customers to stand behind the line. Defendant, Walmart management allowed the crowd to build-up. Plaintiff, waited what management will do with crowd. Plaintiff, believed crowd too, were waiting for further instructions. Plaintiff, saw the management kept on walking back and forth but plaintiff did not hear other instructions yet for the crowd.

2-C.) At approximately 7:45pm, there were two police officers that stood on the crowd line, but before 8:00pm., they moved away and went to the sides.

2-D.) At approximately 7:50pm., Defendant, Walmart male manager came and announced to crowd while waiting for time, that they be calm and courteous. The customers including, Plaintiff, Krystal Megan De Lima, were waiting for further instructions on what will be the next arrangement before 8:00pm. Defendant, made no other instructions.

2-E.) At 8:00pm, Defendant, Walmart Management had announced that it was open for sale. The announcement had made the crowd rushed and created panic buying while plaintiff was yet standing behind the crowd line. Their shaking hands have extended, and their bodies' weight were on plaintiff's back, neck, head, and body. Defendant, Walmart manager's announcement was like a "flood gate" that was lifted; The crowd of customers rushed and their weight was unbearably heavy, violently shaking on plaintiffs whole body and plaintiff afraid to die. Plaintiff was pushed by crowd of customers and fell on the Samsung Galaxy rack. Plaintiff tried to push back but remained trapped until everyone were done getting the items. Defendant, Walmart management announcement had caused the rush that injured the plaintiff, Krystal Megan Delima.

5-F) The facts that Defendant, Walmart, had chosen the high traffic location and placed limited products without informing customers of limited numbers, have impaired customers judgment. Defendant, inconsistency of effective safety control had resulted in a rush. Defendant priority was profit first, second safety. The items were quickly gone and plaintiff suffered multiple injuries. Defendant negligence and reckless conducts had violated customer right for safety. Defendants' negligence has committed the breach of duty that caused plaintiff to undergo Emergency medical treatment due to serious injuries.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff, had suffered physical injuries that resulted in Chronic Pain Syndrome and Nerve Pain still continued to this present time. Plaintiff suffered, humiliation, depression, deprevison, physical limitations, sorrow, and reduced quality life. One body to live for this life. Walmart's negligence had caused my back so much pains

It is affecting when I use my right hand to write, lift, and and other limitations that caused a lot of pain and discomforts. It is affecting my mind and body. Plaintiff, needs a lot of help to get my health back again through medicine and medical attentions.

Computations:

Medical Expense past and present (\$13,898.00 x 5 = \$69,490.00) plus future medical expense (\$69,490.00 + \$13,898.00 = \$83,388.00), plus economic losses \$70,000.00, plus loss of normal life \$300,000.00, plus past pain and sufferings \$300,000.00, plus future pain and sufferings \$300,000.00. A total Compensatory Damages of,\$1,053,000.00. A Punitive Damages of \$1,000,000.00 as penalty for Walmart' negligence , to deter future comparabe negligence from happening again.

Plaintiff, Krystal megan delima, is demanding the total amount of \$2,053,388.00 (Two Million Fifty Three Thousand Three Hundred Eighty Eight Dollars.) .

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

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Date of signing: November, 27, 2017

Signature of Plaintiff



Printed Name of Plaintiff

Krystal Megan Delima

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address